

Hearing Date: February 25, 2021
Hearing Time: 10:00 a.m.

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Counsel for Joinder Creditor(s)
Public Interest Capital, LLC
Individually and as Proposed Creditor-Class Claim Representative

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In re Chapter 11
NAVIENT SOLUTIONS, LLC, Case No. 21-10249 (MG)
Alleged Debtor. Hon. Martin Glenn
-----X
LABARRON TATE, SARAH BANNISTER,
and BRANDON HOODS,

Petitioning Creditors,

-against-

NAVIENT SOLUTIONS, LLC,

Respondent.
-----X

**JOINDER IN INVOLUNTARY CASE PURSUANT TO 11 U.S.C. 303(c)
AND RULE 1003(b) OF THE FEDERAL BANKRUPTCY RULES**

Pursuant to 11 U.S.C. 303(c) and Rule 1003(b) of the Federal Bankruptcy Rules, Public Interest Capital, LLC (“PICAP”), in PICAP’s individual capacity, as well as in PICAP’s capacity as a proposed creditor-class claim representative on behalf of all similarly situated persons or entities holding creditor claims against the alleged debtor Navient Solutions, LLC (“Alleged Debtor”), all of which are neither contingent nor subject to a bona fide dispute by virtue of, *inter*

alia, merits rulings involving the adjudicated liability of the Alleged Debtor, issued on August 31, 2020 by the United States Court of Appeals for the Tenth Circuit in *McDaniel v. Navient Solutions, LLC (In re McDaniel)*, 973 F.3d 1083 (10th Cir. 2020) (the “Federal Appellate McDaniel-Liability Ruling”), and on October 22, 2019 by the United States Court of Appeals for the Fifth Circuit in *Crocker, et al. v. Navient Solutions, LLC and Navient Credit Finance Corporation (In re Crocker)*, 941 F.3d 206 (5th Cir. 2019) (the “Federal Appellate Crocker-Liability Ruling”) (together, with the Federal Appellate McDaniel-Liability Ruling, the “Federal Appellate Liability Rulings”), hereby join this case in support of the involuntary petition heretofore filed by the above-captioned Petitioning Creditors against the Alleged Debtor and, in connection therewith, PICAP respectfully alleges as follows:

1. Pursuant to the Federal Appellate McDaniel-Liability Ruling - - and a subsequent assignment of all monetary rights arising therefrom, relating thereto, or in connection therewith, to PICAP - - PICAP, in its individual capacity, holds an unsecured claim against the Alleged Debtor that is noncontingent, liquidated, and not subject to a bona fide dispute as to liability, (a) in the amount of not less than \$37,000, representing the amount that the Alleged Debtor wrongfully and illegally collected from PICAP’s predecessor-in-interest after the bankruptcy discharge of PICAP’s predecessor-in-interest and (b) in the amount of not less than \$300,000, representing an approximate amount of legal fees and litigation expenses incurred by PICAP’s predecessor-in-interest in connection with its successful litigation against the Alleged Debtor, culminating in the Federal McDaniel-Liability Ruling issued against the Alleged Debtor.

2. Pursuant to the Federal Appellate McDaniel-Liability Ruling - - and a subsequent assignment of all creditor-class claim rights arising therefrom, relating thereto, or in connection therewith, to PICAP - - PICAP, in its capacity as a proposed creditor-class claim representative

on behalf of all similarly situated persons or entities, holds an unsecured, creditor-class claim against the Alleged Debtor that is noncontingent, liquidated, and not subject to a bona fide dispute as to liability, in the anticipated amount of several billion dollars, representing sums that the Alleged Debtor (a) wrongfully and illegally collected from the creditor-class after the bankruptcy discharge of the creditor-class and (b) additionally owes the creditor-class arising from the Alleged Debtor's violations of, *inter alia*, federal and state consumer protection statutes involving the creditor-class.

3. The address of the Joining Creditor(s) are as follows:

Public Interest Capital, LLC
In Its Individual Capacity And In Its Capacity As A Proposed
Creditor-Class Claim Representative
c/o Law Offices of Michael B. Wolk, P.C., as an authorized
litigation representative for Public Interest Capital, LLC
155 East 55th Street, Suite 300B
New York, New York 10022

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WHEREFORE, pursuant to 11 U.S.C. 303(c) and Rule 1003(b) of the Federal Bankruptcy Rules, PICAP and the Joinder Creditor(s) respectfully join this case in support of the involuntary petition heretofore filed by the above-captioned Petitioning Creditors against the Alleged Debtor and, in connection therewith, PICAP and the Joinder Creditor(s) respectfully request that the Court (a) direct the Alleged Debtor to file a list of its unsecured creditors to afford such unsecured creditors a reasonable opportunity to decide whether to join the involuntary petition and (b) proceed with appropriate factfinding, discovery, and trial proceedings on the involuntary petition herein, and the Joinder thereto.

Dated: February 23, 2021
New York, New York

Respectfully submitted,

Law Offices of Michael B. Wolk, P.C.

By: /s/ Michael B. Wolk
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Claim Representative